

OFFICIAL
RECEIVED
CENTRAL FAX CENTER

JUN 10 2004

REMARKS ON AMMENDED CLAIMS

Ammended Claim 1

An enhanced ventricular assist device (EVAD) for use by physician(s) to take care of a patient with diseased heart, said EVAD comprising one or more ventricular assist device(s), and means for sending electrical pulses to said patient's said diseased heart.

Remarks

The phrase "for use by physician(s) to take care of a patient with diseased heart" sets apart the present invention from all the cited references in the following ways:

(a) My invented device aims at enhancing the physician(s)'s abilities to take care of his said patient as detailed in the subsidiary claims. (b) My invented device does not take care of his said patient directly. Claim 6 is not an exception to (b), because the said software is physician modifiable. In most cases, the physician(s) cannot always be at the side of his patient. The best he can do for his patient during his absence is to setup a computer software which would do its best for his patient as far as he can foresee. The said physician modifiable software is one of the best way to accomplish the above goal effectively and efficiently. The device described in Claim 6 still belong to the category of enhancing the physician(s)'s ability to take care of his patient.

Now I shall discuss the Examiner cited references:

3,911,898	Leachman, Jr.
4,955,856	Phillips
4,995,857	Arnold
5,069,680	Grandjean
5,112,349	Summers

- 1 -

5,848,962 Feindt et al.
5,904,646 Jarrik
6,132,363 Freed et al.
6,146,325 Lewis et al.
US 6,254,525 B1 Reinhardt et al.
US 6,530,876 B1 Spence
US 6,585,635 B1 Aldrich

The 12 patents will be discussed as a group. In this discussion when "patent" or "patented device" is mentioned, it is meant to be the "patent" or "patented device" of each and every of the 12 patents, not meant to be the "patent" or "patented device" in the present patent application.

(1) While physician(s) may be involved in inventing the patented device, the said physician(s) cannot talk to, and examine his imaginary patient. The said "patented device" not only does not help the said physician(s) to take care of his patient, but also prevent the said physician(s) from a most important function, to examine, and to talk to his patient in order to arrive at a proper diagnosis. Thus (1) contradicts the condition (a) mentioned above.

(2) The said "patented device" works directly on the patient, without any further interference or help from the said physicians who developed the said patented device. Thus (2) contradicts (b).

(3) In working on the said patented device, the said physician(s) may have improved his capabilities or skill. While this improvement can help to improve the said "patented device" during its development process, it is no more than a part and